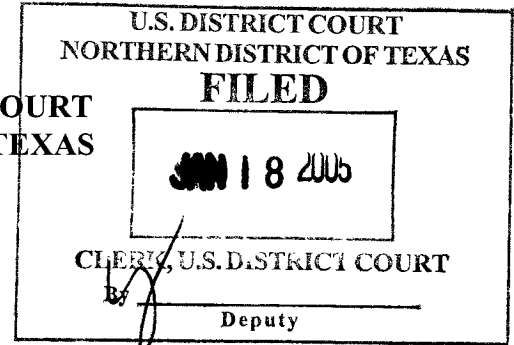


ORIGINAL

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION



ANNA SALINAS, on her behalf
and on behalf of those similarly situated,

Plaintiffs,

v.

O'REILLY AUTOMOTIVE, INC.,

Defendant.

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Civ. Action No.
3:04-CV-1861-B

ORDER

Pursuant to the District Court's Order Referring Motion, electronically filed January 3, 2005, *Plaintiff's Motion to Compel*, filed December 21, 2004, has been referred to this Court for hearing, if necessary, and for determination. Also before the Court are the following pleadings: *Brief in Support of Plaintiff's Motion to Compel* and *Appendix to Plaintiffs' Motion to Compel and Brief in Support Thereof*, both filed December 21, 2004; and *O'Reilly's Brief Opposing Plaintiff's Motion to Compel*, and *O'Reilly's Brief Opposing Plaintiff's Motion to Compel*, both filed January 11, 2005. A hearing on the motion was held on Friday, January 14, 2005. After consideration of the pleadings, evidence, oral argument, and applicable law, and for the reasons stated on the record during the hearing, the Court determines that the motion should be, and it is hereby, **DENIED**. Accordingly, it is

ORDERED that Plaintiff's motion to compel responses to Interrogatory No. 1 and Requests Nos. 1, 2, and 3 of *Plaintiffs' Second Set of Interrogatories and Requests for Production of Documents* is **DENIED**. The Court finds that as phrased, Plaintiffs' requests for witness statements and documents that Defendant has "gathered" or "collected in connection

with” its “defense of the claims asserted in this case” seek attorney work product. Specifically with regard to Request No. 3, the Court makes no finding that all documents gathered in connection with the defense of this matter are protected by the attorney work product privilege. The Court merely finds that the request improperly seeks to discover counsel’s compilation of documents rather than specific categories of documents, and that counsel’s compilation of documents is protected by the attorney work product privilege.

All relief not expressly awarded herein is hereby denied.

SO ORDERED on this 14th day of January, 2005.


IRMA CARRILLO RAMIREZ
UNITED STATES MAGISTRATE JUDGE